IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 29408 of 2006(A)

OS.91/2002 of PRL.SUB COURT,TRIVANDRUM
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PETITIONERS:
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1. **M.SREENIVASAN,**
   S/O.MUTHUSWAMY, AGED 65, RES.AT T.C.35/1561,
   ESAKI AMMAN KOVIL STREET, PAZHAVANGADI,
   THIRUVANANTHAPURAM.

2. **SMT.SANKARA AVADI AMMAL,**
   D/O.RENGASWAMY, AGED 55, RES.AT T.C. 33/1561,
   ESAKI AMMAN KOVIL STREET, PAZHAVANGADI,
   THIRUVANANTHAPURAM.

3. **SMT.P.PITCHAMMAL,**
   D/O.KAMALAMMAL, AGED 66, RES.AT T.C.33/1561,
   ESAKI AMMAN KOVIL STREET, PAZHAVANGADI,
   THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.M.JOSEPH
SRI.LAJI SAM ZACHARIAH

RESPONDENT:

R.RAVEENDRAN, S/O.RAGHAVAN,
RES.AT T.C. 28/2046, NEAR SREEKANTESWARAM PARK,
FORT, THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/07/2007 ALONG WITH WPC.NO.29428 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF CERTIFICATE ISSUED TO 1ST PETITIONER REG.CHANGE OF OWNERSHIP BY CORPORATION OF TRIVANDRUM.

EXT.P1(A): ....DO..DO..... ISSUED 2ND PETITIONER.

EXT.P1(B): ....DO..DO..... ISSUED 3RD PETITIONER.

EXT.P2: COPY OF ROUGH SKETCH SHOWING TC NUMBERS GIVEN TO BLDGS IN RESPECT OF OCCUPANTS.

EXT.P3: COPY OF LAND TAX RECEIPT ISSUED TO 1ST PETITIONER DTD. 4/02/06 FROM VANCHIYOOR VILLAGE.

EXT.P3(A): .....DO..... DTD. 4/02/06 ISSUED TO 2ND PETITIONER.

EXT.P3(B): COPY OF RECEIPT DTD. 27/02/06 ISSUED TO 3RD PETITIONER.

EXT.P4: COPY OF RECEIPT DTD. 15/09/06 ISSUED TO 3RD PETITIONER.

EXT.P4(A): .....DO..... ISSUED TO 2ND PETITIONER.

EXT.P4(B): .....DO..... ISSUED TO 1ST PETITIONER.

EXT.P4(C): .....DO..... ISSUED TO PREDECESSORS OF PETITIONERS DTD. 11/04/90.

EXT.P5: COPY OF ORDER ISSUED BY TVM CORPORATION DTD. 24/3/98 ACCEPTING THE DEMOLISHING OF THE BLDG.

EXT.P6: COPY OF W.P.20180/06 DTD. 25/07/06 FILED BY PETITIONER BEFORE THIS HON'BLE COURT.

EXT.P7: COPY OF JUDGMENT (COMMON) DTD. 23/08/06 IN WP.20180/06.

EXT.P8: COPY OF I.A.4816/06 IN O.S.76/02 FILED BY PETITIONERS BEFORE PRL.SUB COURT, TRIVANDRUM DTD. 10/10/06.

EXT.P8(A): COPY OF I.A.4817/06 IN O.S.91/02 ....DO....DO.. DTD. 10/10/06.

EXT.P9: COPY OF ORDER PASSED BY PRIL.SUB JUDGE, TRIVANDRUM IN I.A.4816/06 IN O.S.76/02 DTD. 11/10/06.

EXT.P9(A); ....DO..... IN I.A.4817/06 IN O.S.91/02 DTD. 11/10/06.

...2/-

EXT.P10; COPY OF JUDGMENT IN WP(C) 26979/06 OF THIS HON'BLE COURT DTD. 21/11/06.

EXT.P10(A): COPY OF JUDGMENT IN WP(C) 33571/06 OF THIS HON'BLE COURT DTD. 29/03/07.

EXT.P10(B): COPY OF JUDGMENT IN WP(C) 33578/06 OF THIS HON'BLE COURT DTD. 29/03/07.

EXT.P10(C); COPY OF JUDGMENT IN WP(C) 33468/06 OF THIS HON'BLE COURT DTD. 29/03/07.

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) No. 29408 & 29428 OF 2006

Dated this the 19th day of July, 2007

JUDGMENT

The issue involves in WP(C) No. 29428 of 2006 is same as in WP(C) No.29408 of 2006. The issue will be decided in WP(C) 29408/06 and WP(C) No.29428 of 2006 will stand closed retaining the judges papers.

My attention was drawn by Sri.M.Ramaswamy Pillai to the judgment of this Court in WP(C) Nos.26979, 33468, 33571 and 33578 of 2006. According to the learned counsel these judgments pertains to similar commission applications filed in connected matters and requested that in view of these judgments which are in fact produced as additional documents, Exts.P10, P10(a), P10(b) & P10(c) the impugned orders also be interfered with and the commission applications be allowed. The above request of Sri.Ramaswami Pillai is not resisted by respondents who have not entered appearance before this Court though they have served with notice by special messenger.

Under these circumstances, I set aside Exts.P9 and P9(a) and allow IA No.4816 of 2006 in OS No.76/02 and IA No.4817 of 2006 in OS No.91 of 2002. On the same reasons I set aside Ext.P11 order in IA No.4816/06 in OS No.76/02 and Ext.P11(a) in IA No.4817/06 in OS

No.91/02 (the order dt.11.10.06 in IA No.4817/06 in OS No.91/02 produced in WP(C) No.29428 of 2006 and allow both those IAs also.

PIUS C. KURIAKOSE, JUDGE

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